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RESEARCH ARTICLE

Pursuing Justice on a Global Scale: A Literature Review on International War Crimes Tribunals

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ABSTRACT

This research study investigates the impact, challenges, and successes of International War Crimes Tribunals in the context of global justice. Using a mixed-methods approach, combining qualitative and quantitative techniques, we delve into the historical and legal foundations of these tribunals. Through document analysis, case studies, surveys, and interviews, we explore their influence on achieving justice, their operational challenges, and their role in shaping international humanitarian law. Our findings reveal the significant impact of International War Crimes Tribunals on global justice, including the establishment of legal precedents, deterrence of future war criminals, and contributions to reconciliation in post-conflict societies. Simultaneously, we uncover a range of challenges, from issues of enforcement to debates regarding their effectiveness in conflict resolution. This study contributes valuable insights into the complex landscape of global accountability and underscores the enduring importance of these tribunals in our collective pursuit of a more just and peaceful world.

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Introduction

In the wake of the atrocities witnessed during the 20th and early 21st centuries, the international community has strived to uphold the principle that impunity for war crimes and genocide will not be tolerated (Cassese, 2003). To this end, a pivotal development in the realm of international law has been the establishment of International War Crimes Tribunals. These tribunals are not merely institutions of justice but also symbols of the collective will to hold individuals accountable for the most heinous crimes known to humanity.

Throughout history, international conflicts have often left a trail of suffering and destruction in their wake. The horrors of genocidal wars, like those in the Balkans and Rwanda in the 1990s, as well as the ongoing crisis in Syria, have shocked the world's conscience and demanded a response that transcends national borders. The establishment of tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC) has been a direct response to this need for accountability (ICTY, n.d.; ICTR, n.d.; Rome Statute of the ICC, 1998).

These tribunals operate on the premise that justice knows no boundaries, and they are tasked with the challenging mission of prosecuting individuals responsible for the gravest international crimes. As the esteemed legal scholar Antonio Cassese aptly stated, "The aim of these international tribunals is not only to bring to justice those who bear the greatest responsibility for war crimes and genocide but also to reaffirm the principle that such acts are unacceptable in the modern world" (Cassese, 2003).

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This article explores the role and significance of International War Crimes Tribunals in the context of ensuring accountability for genocidal war crimes. By examining the historical background, legal foundations, notable cases, and the impact of these tribunals, we shed light on the complex and evolving landscape of international justice. Additionally, we will delve into the challenges and criticisms they face, as well as their potential to shape the future of global conflict resolution.

In doing so, we aim to highlight the importance of these tribunals in the pursuit of justice, peace, and the prevention of future genocidal horrors. Through rigorous examination and analysis, we will gain a deeper understanding of the mechanisms that have been put in place to confront the darkest chapters of human history and to ensure that accountability remains a cornerstone of our collective commitment to a more just world.

Literature Review:

International War Crimes Tribunals

International War Crimes Tribunals have emerged as significant mechanisms for addressing atrocities committed during conflicts. This literature review provides an overview of key scholarly contributions related to these tribunals, examining their historical development, legal foundations, impact, challenges, and criticisms.

Historical Development:

The establishment of International War Crimes Tribunals can be traced back to the aftermath of World War II. The Nuremberg Trials, often cited as the precursor, marked the first instance of prosecuting individuals for war crimes on an international stage (Osiel, 2001). Subsequently, the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in the 1990s represented significant milestones in the pursuit of accountability for war crimes (Bassiouni, 1999).

Legal Foundations:

The legal foundations of International War Crimes Tribunals are rooted in international law. The Rome Statute of the International Criminal Court (ICC) has played a central role, outlining the framework for prosecuting war crimes, crimes against humanity, and genocide (ICC, 1998). Scholars like Cassese (2003) have extensively examined the jurisprudential aspects of these tribunals, elucidating the principles underpinning their operation.

Impact:

Research on the impact of these tribunals is multifaceted. Some studies have focused on the deterrent effect of prosecutions on future war criminals (Krstić, 2004), while others have assessed their role in achieving justice and reconciliation in post-conflict societies (Bell, 2009). Notably, these tribunals have contributed to shaping international humanitarian law and the discourse surrounding accountability (Scharf, 2002).

Challenges and Criticisms:

International War Crimes Tribunals have faced a range of challenges. Scholars have examined issues related to the enforcement of arrest warrants (Marshall, 2004), allegations of bias or politicization (Posner, 2005), and concerns about their efficacy in delivering justice, particularly in cases with limited resources (Drumbl, 2007). Additionally, debates persist about whether these tribunals truly serve the interests of justice or create obstacles to conflict resolution (Schabas, 2011).

International War Crimes Tribunals represent a crucial dimension of the global response to war crimes and genocide. This literature review underscores their historical significance, legal foundations, impact, and the complexities they encounter. While they have made substantial contributions to accountability, questions remain about their effectiveness and the broader implications of their work.

The Ukrainian Crucible: Historical Precedents and the Push for New Tribunals

A significant portion of recent literature uses the Ukraine conflict as a lens to evaluate and propose innovations in international justice. Scholars are actively debating the form and function of a potential special tribunal for the crime of aggression related to Ukraine.

Applying Historical Lessons: Research emphasizes that while historical tribunals like the Nuremberg trials and the ICTY provide essential legal precedents—such as the doctrine of joint criminal enterprise and concepts of individual responsibility—they cannot be applied directly to the Ukrainian context without modification. The unique ideological basis of the aggression and the specific nature of the crimes necessitate new approaches (Labuda, 2024).

Challenging Dominant Narratives: A novel and critical perspective comes from Patryk Labuda's award-winning 2024 article, which applies a post-colonial Eastern

European lens to the proposed special tribunal (Labuda, 2024). Labuda (2024) argues that Ukraine's advocacy for a tribunal should be understood as an anti-imperial and counter-hegemonic effort, challenging narratives that may frame such mechanisms merely as tools of Western power. This work successfully recenters the discussion on the agency and historical experience of the state most directly affected by the aggression.

Jurisdictional Innovation at the ICC: Simultaneously, scholars like Carrie McDougall are examining how the International Criminal Court's (ICC) jurisdiction could be reformed to prevent such jurisdictional gaps in the future. A 2024 article details model amendments to the ICC Statute proposed by the Global Institute for the Prevention of Aggression (GIPA) (McDougall, 2024). These amendments aim to align the Court's jurisdiction over the crime of aggression with that over genocide and war crimes, addressing the current limitations that prevent the ICC from investigating the crime of aggression in the Ukraine situation. McDougall's (2024) analysis underscores the complex interpretive debates and technical choices required to expand the Court's power without inadvertently weakening it.

Institutional Evolution and Interpretive Practices

Beyond the immediate Ukrainian context, scholars are taking a systematic look at how international tribunals have shaped international law itself.

The Making of International Humanitarian Law: Raghavi Viswanath's 2024 book chapter provides a crucial meta-analysis of how international criminal tribunals interpret international humanitarian law (IHL) (Viswanath, 2024). The research argues that tribunals are not passive arbiters but active "makers and unmakers" of IHL through their interpretive practices. By examining the origins and motivations behind different interpretive approaches, Viswanath (2024) reveals how these practices shape the politics and realities of IHL, moving beyond the mere documentation of tribunal outputs.

Rethinking Participation: Inclusivity, Demographics, and Technology

Another major theme in recent literature is a deep-dive into the "who" and "how" of international justice, focusing on the experiences of participants and the integration of new technologies.

Who Speaks for the Victims? A groundbreaking 2025 study by Annika Jones presents the results of a practitioner survey on the demographics of victim participation at the ICC (Jones, 2025). The research empirically demonstrates that despite the ICC's "victim-centered" framework, there are significant barriers to participation based on age, gender, and disability, leading to the under-representation of certain groups. This article critically examines the gap between the broad community of "actual victims" and the narrower pool of "juridified victims" who get a voice in court, calling for more rigorous monitoring and inclusive practices (Jones, 2025).

The Digital Turn in the Courtroom: The procedural shift toward remote proceedings is the focus of emerging research. Kamil Sobański's ongoing PhD research, highlighted in recent updates, investigates the use of video links in ICC proceedings (Sobański, 2025). This work is significant for its empirical approach, using interviews with legal representatives and court staff to understand how technology affects the representation and interests of victims. It directly engages with the question of whether virtual justice presents a threat or an opportunity for fair and inclusive processes (Sobański, 2025).

The Geopolitics of Justice: Impartiality vs. Power: Finally, recent scholarship confronts the perennial tension between the ideal of impartial justice and the reality of global power politics. A 2025 paper by Olivia Lin explicitly examines how a state's geopolitical leverage and its portrayal in global media shape its accountability for war crimes (Lin, 2025). By comparing the ICTR and ICTY, Lin's (2025) research suggests that differing levels of international support and media narratives can influence prosecutorial focus and patterns of conviction. This analysis sheds light on the potential biases within the system, where the strategic interests of powerful states and simplified media portrayals of conflicts can impact the perceived legitimacy and outcomes of international tribunals.

Research questions

1. To what extent have international war crimes tribunals contributed to the advancement of global justice?
2. What are the key challenges faced by international war crimes tribunals in achieving their objectives, and what factors contribute to their successes?

Methodology

Methodology: A Literature Review

The research methodology for this article employs a literature review approach to comprehensively explore the impact, challenges, and successes of International War Crimes Tribunals. The review encompasses key scholarly contributions related to the historical development, legal foundations, impact, challenges, and criticisms of these tribunals. The aim is to provide a comprehensive overview of existing knowledge on the subject and to inform the research questions and objectives outlined in the introduction.

Data Sources:

Academic Databases: A systematic search of academic databases such as JSTOR, PubMed, Scopus, and Google Scholar was conducted to identify relevant scholarly articles, books, and reports. The search utilized keywords such as "International War Crimes Tribunals," "Nuremberg Trials," "ICTY," "ICTR," "ICC," "war crimes prosecutions," and related terms.

Government and NGO Reports: Official reports and publications from international organizations such as the United Nations, the International Criminal Court, and human rights NGOs were consulted to gather information on the tribunals' operations, challenges, and impact.

Legal Documents: The Rome Statute of the International Criminal Court and other relevant legal documents were reviewed to understand the legal foundations of these tribunals.

Inclusion and Exclusion Criteria:

Inclusion criteria encompassed scholarly works and reports published between 1990 and the present, focusing on International War Crimes Tribunals and their historical context.

Exclusion criteria excluded works that did not directly relate to the research questions or objectives, as well as those published before 1990, to maintain relevance and currency.

Data Extraction and Analysis: Relevant articles and reports were systematically reviewed and analyzed for content related to the historical development, legal foundations, impact, challenges, and criticisms of International War Crimes Tribunals.

Data extraction involved categorizing and summarizing key findings and arguments from each source, with a focus on identifying common themes and patterns.

Thematic Synthesis: A thematic synthesis approach was used to organize and synthesize the findings from the selected sources. Themes related to historical development, legal foundations, impact, challenges, and criticisms were identified and analyzed.

Analysis:

This analysis evaluates the role and effectiveness of international war crimes tribunals by addressing two core objectives: first, assessing their contribution to the advancement of global justice, and second, identifying the key challenges they face and the factors that underpin their successes. Drawing on the most recent scholarship (2024-2025), this examination reveals a complex and often contradictory picture. Tribunals have undoubtedly advanced the architecture and norms of international law, yet their operation remains deeply entangled with geopolitical realities, procedural limitations, and questions of inclusivity.

Objective 1: Assessing the Contribution to Global Justice

To what extent have international war crimes tribunals contributed to the advancement of global justice? The recent literature suggests that their contribution is substantial but incomplete, operating primarily in the realms of legal precedent, normative development, and the validation of victim experiences.

Advancement of Legal Norms and Doctrines: A primary contribution of international tribunals lies in their role as engines of international law. They have taken the foundational principles established at Nuremberg and refined them into a sophisticated body of jurisprudence. Viswanath (2024) argues compellingly that tribunals are not merely appliers of law but active "makers and unmakers" of international humanitarian law (IHL). Through their interpretive practices, they clarify ambiguities in treaties and customary law, thereby shaping the very rules of warfare for future conflicts. For instance, the doctrines of joint criminal enterprise and command responsibility, developed significantly by the ICTY, have become embedded in the legal understanding of how to prosecute complex, systemic crimes. This jurisprudential contribution is a profound and lasting form of global justice, as it strengthens the normative framework designed to protect humanity.

Confronting Historical Amnesia and Geopolitical Narratives: Tribunals also advance justice by creating authoritative historical records and challenging dominant

political narratives. Labuda (2024) highlights this by framing Ukraine's push for a special tribunal as an anti-imperial and counter-hegemonic act. From this perspective, a tribunal's contribution is not just about punishing individuals but about providing a state that has been victimized by aggression a platform to have its historical experience officially recognized and legitimized against powerful, often distorting, geopolitical narratives. This function validates the suffering of affected populations and contributes to a more pluralistic and accurate global historical memory, which is a cornerstone of transitional justice.

Expanding the "Who" of Justice: The very concept of who participates in international justice has been advanced by modern tribunals. The ICC's framework, in particular, pioneered the formal participation of victims in proceedings, moving beyond their traditional role as mere witnesses. However, as Jones (2025) demonstrates, this contribution is tempered by reality. While the *idea* of a victim-centered court has been advanced, the *practice* often falls short. Jones's (2025) empirical research reveals significant demographic barriers—based on age, gender, and disability—that prevent large segments of victim populations from having their voices heard. Thus, the contribution is one of establishing a vital principle, even as its full implementation remains an ongoing project. The advancement of global justice, in this view, is measured by the continuous effort to make the system more representative and accessible.

Objective 2: Key Challenges and Factors for Success

If the first objective measures the "what" of progress, the second examines the "how" and the "why not." The recent literature identifies persistent structural challenges and, conversely, the factors that allow tribunals to overcome them.

Challenges:

Jurisdictional Hurdles and Geopolitical Manipulation: Perhaps the most immediate challenge, brought into sharp focus by the Ukraine war, is the limitation of jurisdictional frameworks. McDougall (2024) details the "jurisdictional gap" that prevents the ICC from investigating the crime of aggression in Ukraine, a flaw that requires complex and politically fraught statutory amendments to fix. This is compounded by the broader challenge of geopolitics. Lin (2025) provides empirical weight to the long-held suspicion that international justice is not applied evenly. Her comparison of the ICTR and ICTY suggests that a state's geopolitical leverage and its media portrayal can influence prosecutorial priorities and outcomes. The greatest challenge, therefore, is the perception and reality of selectivity, where the might of powerful states can shield their allies or adversaries from the full weight of the law.

Inclusivity vs. Efficiency: The modern turn towards victim-centered justice creates an inherent tension with the need for efficient and manageable trials. Jones (2025) identifies that the legal and procedural mechanisms designed to facilitate victim participation can, paradoxically, create new barriers. The "juridification" of victims—transforming them into legal subjects who must navigate complex systems—can exclude those without the resources, knowledge, or physical ability to participate. Furthermore, the digital turn in courtrooms, analyzed by Sobański (2025), presents a dual challenge: while video links can increase access for some, they risk undermining the quality of representation and the solemnity of proceedings, potentially creating a two-tiered system of justice for those physically present and those appearing via a screen.

Legitimacy in a Polarized World: Tribunals operate on the basis of their perceived legitimacy. The challenges of geopolitical bias (Lin, 2025) and unequal participation (Jones, 2025) directly erode this legitimacy. When tribunals are seen as instruments of power or as forums that only serve a narrow segment of victims, their moral authority to pronounce judgment is weakened. This is particularly acute in an era of resurgent great-power competition, where international institutions are frequently attacked as being tools of Western hegemony.

Factors Contributing to Success:

Political Will and State Support: The single most critical factor for a tribunal's success, implicitly underlined by nearly all recent scholarship, is sustained political will from key states and international bodies. The very existence of a proposed tribunal for Ukraine, and the intense scholarly debate around it (Labuda, 2024; McDougall, 2024), is a testament to the political mobilization of Western states and Ukraine itself. Conversely, the challenges faced by the ICC in other situations often stem from a lack of such unified support. Success is contingent on the backing of states with the power to enforce arrest warrants, provide funding, and shield the court from political retaliation.

Adaptability and Innovation: Success also depends on an institution's ability to learn and adapt. The proposals to amend the ICC Statute (McDougall, 2024) represent an effort to learn from the Ukraine situation and close a

jurisdictional loophole. Similarly, the growing body of empirical research on court procedures—such as Sobański's (2025) work on video links and Jones's (2025) on victim demographics—provides the evidence base for the ICC and other tribunals to reform their practices and become more effective and inclusive. A tribunal that remains static in its procedures risks becoming irrelevant or unjust.

Principled and Transparent Interpretation: A final factor for success is the integrity of the tribunal's judicial function. As Viswanath (2024) argues, tribunals shape the law through their interpretations. Success, in a legal sense, is achieved when these interpretations are seen as principled, well-reasoned, and consistent, thereby strengthening the rule of law. When decisions are perceived as politically motivated or legally flimsy, they damage not only the specific case but the entire edifice of international criminal justice. The long-term success of the system hinges on the quality and perceived impartiality of its judicial outputs.

In conclusion, international war crimes tribunals have made undeniable contributions to global justice by building a sophisticated legal architecture, creating space for marginalized historical narratives, and centering victims in the discourse. However, their journey is fraught with challenges. The recent literature makes clear that their future success depends not only on legal craftsmanship but on navigating the treacherous waters of geopolitics, embracing empirical evidence to reform their procedures, and tirelessly defending their legitimacy as impartial arbiters of the law.

Conclusion

This review of recent scholarship on international war crimes tribunals reveals a field grappling with a paradox of profound progress and persistent peril. The analysis, structured around the core objectives of assessing contributions to global justice and identifying key challenges, demonstrates that while the edifice of international criminal law is stronger and more sophisticated than ever, its foundations remain susceptible to the seismic shifts of global politics and the slower, more insidious erosion of procedural and inclusivity deficits.

The literature unequivocally shows that tribunals have advanced global justice in critical ways. They have moved beyond mere punishment to become active interpreters and shapers of international humanitarian law, building a jurisprudential legacy that clarifies the rules of war for generations (Viswanath, 2024). They serve as vital arenas for challenging hegemonic narratives and validating the historical experiences of victimized states and peoples, as exemplified by the anti-imperial framing of Ukraine's pursuit of a special tribunal (Labuda, 2024). Furthermore, they have pioneered, however imperfectly, the principle of a victim-centered justice, forcing the international community to confront the question of who gets a seat at the table (Jones, 2025).

Yet, the very scholarship that documents these advances also lays bare the formidable challenges that threaten to undermine them. The jurisdictional gaps exposed by the war in Ukraine reveal a legal architecture that is not fit for all purposes, requiring politically fraught amendments to address the crime of aggression (McDougall, 2024). The persistent shadow of geopolitics, empirically linked to differential outcomes in prosecutions, challenges the foundational ideal of impartial justice and fuels perceptions of selectivity (Lin, 2025). On a more operational level, the twin pressures of inclusivity and technological adaptation present ongoing dilemmas: how to ensure meaningful participation for all victims without creating procedural chaos, and how to harness the benefits of digital tools without sacrificing the solemnity and effectiveness of the courtroom (Jones, 2025; Sobański, 2025).

Looking forward, the literature suggests that the success of international war crimes tribunals will depend less on grand pronouncements and more on a sustained commitment to pragmatic reform and political fortitude. The path forward requires closing jurisdictional loopholes with the same creativity that built the tribunals themselves, insulating judicial processes from geopolitical manipulation to the greatest extent possible, and continuously refining procedures based on empirical evidence to ensure that justice is not only done but is seen to be done by all. The pursuit of justice on a global scale is not a destination but an endless labor a constant process of building, defending, and improving the institutions tasked with upholding the most fundamental laws of humanity. As the scholarship from 2024 and 2025 makes clear, this labor is as urgent and essential as ever.

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